

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 08 MAY 2007		
Applicant's or agent's file reference 196.1011.02		
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/US04/40486	International filing date (day/month/year) 02 December 2004 (02.12.2004)	Priority date (day/month/year) 02 December 2003 (02.12.2003)
International Patent Classification (IPC) or both national classification and IPC IPC: G06F 7/04,17/30;G06K 9/00;H03M 1/68;H04K 1/00;H04L 9/00,9/32;H04N 7/16 USPC: 726/30		
Applicant BROADON COMMUNICATIONS CORP.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

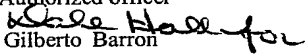
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion March 15 2006	Authorized officer  Gilberto Barron Telephone No. (571)272-5952
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Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims None YES

Claims 1-90 NO

Inventive step (IS)

Claims None YES

Claims 1-90 NO

Industrial applicability (IA)

Claims 1-90 YES

Claims None NO

2. Citations and explanations:

Please see continuation sheet.

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In case the space in any of the preceding boxes is not sufficient.

V.2. Citations and Explanations:

Claims 1-90 lack Novelty under PCT article 33(2) as being anticipated over Siann et al (US Patent Application No. 2003/0120541, filed 12/21/2001).

5.1. As per claims 1 and 25, Siann is directed to a method including steps of sending a text-based message to a hand-held device using an SMS technique (paragraph 43, also note that per paragraph 37, the Media Player is a portable, and therefore a hand-held, device), the text-based message including information from which rights information is derivable by a system including a playback device (Fig. 1B and paragraph 43); and enforcing that rights information on the system in response to that text-based message (paragraph 80 and 39); wherein the steps of sending include a transport technique not including the playback device (Fig. 1B clearly indicates a transmission path separate from the media player, as described in paragraph 99).

5.2. As per claims 2, 32, Siann is directed to a method as in claim 1 and 27, including steps of ensuring that only authorized content is executed or presented by the playback device or the secure processor, or by both in combination or conjunction (paragraph 98).

5.3. As per claim 3, Siann is directed to a method as in claim 1, including steps of sending content to the playback device using a communication link not used by the steps of sending a text-based message (Fig. 1B and associated text)

5.4. As per claim 4, Siann is directed to a method as in claim 1, wherein the steps of enforcing are performed at least in part by the playback device or a secure processor coupled thereto (paragraph 98).

5.5. As per claim 5, 31, Siann is directed to a method as in claim 1 and 27, wherein the steps of enforcing are performed by mandatory security hardware or mandatory security software (paragraphs 53 and 96).

5.6. As per claim 6, Siann is directed to a method as in claim 1, wherein the steps of enforcing include steps of decrypting at least some information derivable from the text-based message (paragraph 43 discloses delivery of access data using text-based messages (SMS) and paragraph 105 discloses decrypting of access data using keys.).

5.7. As per claim 7, Siann is directed to a method as in claim 1, wherein the steps of enforcing includes using a key derived from the message for decrypting a license or content (paragraph 105).

5.8. As per claim 8, Siann is directed to a method as in claim 1, wherein the steps of enforcing includes applying a key derived from the message to complete a license in which execution rights are defined (paragraph 106).

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5.9. As per claim 9, 33 Siann is directed to a method as in claim 1 and 27, wherein the steps of enforcing includes applying a key derived from the message as an authentication code (paragraph 56 discloses user and content identification data transmitted to media player as part of access data and paragraph 97 discloses securing access data using cryptographic methods).

5.10. As per claim 10, Siann is directed to a method as in claim 1, wherein the message is composed on the SMS (paragraph 57).

5.11. As per claim 11, Siann is directed to a method as in claim 1, wherein the message is manually entered into the playback device (paragraph 47 describes manual entry of the data by humans, which discloses manual entering of the access code to the media player by a human).

5.12. As per claim 12, Siann is directed to a method as in claim 11, wherein the playback device processes the message and produces a licensing message suitable to be sent by the handheld device (paragraph 81. Also, paragraph 90 describes content provider payments when users play their content or download the licensed content. This clearly implies a licensing message from user to content providers via Media Player. Note that per paragraph 95 the communication between the Media Player and Content Providers is two-way).

5.13. As per claim 13, 30, Siann is directed to a method as in claim 12 and 27, wherein the licensing message is encrypted or cryptographically authenticated by the handheld device and sent to a license server (per paragraphs 9 and 83, the communication between different elements is secured, and per paragraph 51, security is provided by use of cryptographic methods).

5.14. As per claim 14, Siann is directed to a method as in claim 1, wherein the steps of enforcing include steps of using a decryption key available to the playback device or a secure processor coupled thereto (paragraph 80).

5.15. As per claim 15, Siann is directed to a method as in claim 1, wherein the steps of sending a text-based message include steps of sending a first message from a hand-held device using an SMS technique to a license server (paragraph 81 and per paragraph 43 SMS is one of the methods to exchange access related data) ; sending a second message from the license server to the hand-held device (paragraph 81), the second message including human-readable characters; and manually entering those characters to an input element coupled to the playback device (paragraph 47 describes manual entry of the data by humans, which discloses manual entering of the access code to the media player by a human).

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5.16. As per claim 16, Siann is directed to a method as in claim 1, wherein the system includes a closed content distribution system capable of delivering content to the playback device using a second transport technique not including that used by the steps of sending a text-based message (Fig. 1B and associated text).

5.17. As per claim 17, Siann is directed to a method as in claim 1, wherein the system includes a closed content distribution system capable of ensuring that only authorized content is presented by the playback device or executed by the secure processor (paragraph 98).

5.18. As per claim 18, Siann is directed to a method as in claim 1, wherein the, text-based message includes an authentication code; and the system includes a secure processor capable of authenticating content coupled to the playback device in response to that authentication code (Siann paragraph 79 discloses a header of media content that includes information to identify the content and access data. This data is used to authenticate the data and determine if the content should be made available to user).

5.19. As per claim 19, Siann is directed to a method as in claim 1, including steps of authenticating the right information by the playback device or a secure processor coupled thereto (right information is included in the access rules, paragraph 40. Siann's method provides access rules to the Media Player in a secured manner).

5.20. As per claim 20, Siann is directed to a method as in claim 19, wherein the steps of authenticating include steps of decrypting at least some information derivable from that text-based message (paragraph 43 discloses delivery of access data using text-based messages (SMS) and paragraph 105 discloses decrypting of access data using keys).

5.21. As per claim 21, Siann is directed to a method as in claim 19, wherein the steps of authenticating include steps of using a decryption key available to the playback device or a secure processor coupled thereto (paragraph 80).

5.22. As per claim 22, Siann is directed to a method as in claim 1, including steps of decoding those characters; and deriving rights information from at least some of those characters (right information is included in the access rules, paragraph 40. Siann's method provides access rules to the Media Player in a secured manner, therefore requiring decoding of right information before enforcing them at the Media Player).

5.23. As per claim 23, Siann is directed to a method as in claim 22, wherein the steps of deriving are performed at least in part by the playback device or a secure processor coupled thereto (paragraph 40).

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5.24. As per claim 24, Siann is directed to a method as in claim 22, wherein those characters include at least some information encrypted using a key available to the playback device or a secure processor coupled thereto (paragraph 51 discloses secured data delivery, including the access data and access rules, using cryptographic keys, and therefore implying encrypted access data).

5.25. As per claim 26, Siann is directed to a method as in claim 25, including steps of authenticating that rights information using the rights-enforcing hardware or rights-enforcing software (paragraph 56 describes user and content identification data transmitted to media player as part of access data and paragraph, which discloses authentication. Paragraphs 53 and 96 disclose use of software and hardware to perform operations.)

5.26. As per claims 27, 28, and 29, Siann is directed to a method including steps of sending a text-based message to a hand-held device using an SMS technique, the text-based message including information from which rights information is derivable by a system including a secure processor and a playback device under control 2 of that secure processor; authenticating that rights information at the secure processor in response 4 to mandatory security software executed by the secure 'processor; and enforcing that rights information on the system in response to that text6 based message (see response to claims 1, 4 and 5).

5.27. Claims 34 and 35 are disclosed by Siann as described in responses to claims 1 to 9.

5.28. As per claims 36, Siann is directed to a method including steps of delivering license information (license information is included in access data, which is delivered as depicted in Fig. 1B and associated text) in a closed content distribution system, the closed content distribution system including a playback device and a secure processor, the steps of delivering including a communication link not including the playback device or secure processor, the communication link including a short text-messaging system; ensuring that only authorized content is executed or presented by the playback device or the secure processor, or by both in combination or conjunction; and ensuring that rights information derivable from the license information is enforced by the playback device or the secure processor, or by both in combination or conjunction (see responses to claims 1 to 9).

5.29. Claims 37 and 38 are disclosed by Siann as it discloses claim 36 (see above) and all other limitations as described in responses to claims 1 to 26.

5.30. As per claims 39, Siann is directed to a method as in claim 36, including steps of encoding the license information using a digital signature, secure hash, or shared secret; and authenticating the license information by the playback device or the secure processor, or by both in combination or conjunction, in response to the digital signature, secure hash, or shared secret (paragraph 51 discloses use of

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cryptography in securing different processes and digital signatures, hashes and shared secret are well-known methods of providing security using cryptographic methods).

5.31. As per claims 40 to 42, 44 to 46, 48 to 49 Siann's Fig. 1B and associated text discloses a method of delivery of content and all other limitations as described in responses to claims 1 to 26.

5.32. As per claims 39, Siann is directed to a method as in claim 36, wherein the communication link includes a cellular telephone (paragraph 41)

5.33. As per claims 47, Siann is directed to a method as in claim 36, wherein the secure processor includes a computing device capable of general purpose processing (paragraph 50).

5.34. As per claims 50, Siann is directed to a method as in claim 36, including steps of performing a commercial transaction concurrently with communication between the license server and the user (paragraph 71 indicates that the user purchases content using the system, therefore performing a commercial transaction).

5.35. As per claims 51 to 68 Siann is directed to a method as in claim 50 and all other limitations as described in responses to claims 1 to 26.

5.36. As per claim 69 Siann is directed to an apparatus including a closed content distribution system (Fig. 1B) including a playback device (fig. 3 item 310) and a secure processor (fig. 4 item 480); a communication link not including the playback device or secure processor (Fig. 1B item 162); a license server capable of being coupled to the communication link (Fig. 1B item 160); wherein the playback device or the secure processor, or both in combination or conjunction, includes mandatory security software (paragraphs 53 and 96).

5.37. As per claims 70 to 90 Siann is directed to a method as in claim 69 and all other limitations as described in responses to claims 1 to 26.